

**To:** Ortiz-Santiago, Yesenia (Jessie)[ortiz-santiago.yesenia@epa.gov]  
**From:** Lowery, Brigid  
**Sent:** Mon 8/14/2017 2:49:38 PM  
**Subject:** FW: LDF Tower Standards Documents in Preparation for the August 15th Meeting  
[AS SVE CitizenGuide.pdf](#)  
[Excavation Process.docx](#)  
[LDF Tower Standard Notes for EPA Only 8 11 17.docx](#)  
[Projected Tower Standards Site Remediation and PECFA.docx](#)  
[Tower map.pdf](#)

Can you pls print these for me. Thanks.

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Brigid Lowery | Acting Director | Land and Chemicals Division | U.S. EPA Region 5

312-886-7153

**From:** Harris, Michael  
**Sent:** Friday, August 11, 2017 2:15 PM  
**To:** Kaplan, Robert <kaplan.robert@epa.gov>  
**Cc:** Greenwater, Anthony <greenwater.anthony@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Dee, Rhiannon <dee.Rhiannon@epa.gov>  
**Subject:** LDF Tower Standards Documents in Preparation for the August 15th Meeting

Hi Bob,

If the President elects to discuss the technical issues with you, I've attached the following documents for your meeting:

- 1) AS/SVE Citizens guide
- 2) Map of Tower
- 3) PECFA Time line, which includes EPA work to date
- 4) LDF Tower Standard Notes for EPA Only (Excavation details and PECFA notes for Bob)
- 5) Diagram of excavation in high water table

We are working on an accurate paragraph on the course of dealings regarding the Task Order submission to HQ. Please let me know if you have any edits or would like additional information. Thank you.

Michael D. Harris

Deputy Director

Land and Chemicals Division

U. S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604  
(312) 886-0760

**From:** Kaplan, Robert  
**Sent:** Friday, August 11, 2017 9:42 AM  
**To:** Harris, Michael <[harris.michael@epa.gov](mailto:harris.michael@epa.gov)>  
**Cc:** Greenwater, Anthony <[greenwater.anthony@epa.gov](mailto:greenwater.anthony@epa.gov)>; Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>; Lowery, Brigid <[Lowery.Brigid@epa.gov](mailto:Lowery.Brigid@epa.gov)>; Nelson, Leverett <[nelson.leverett@epa.gov](mailto:nelson.leverett@epa.gov)>; Dee, Rhiannon <[dee.Rhiannon@epa.gov](mailto:dee.Rhiannon@epa.gov)>  
**Subject:** RE: LDF Tower Standards Counsels' Conversation

Thanks Mike.

Robert Kaplan

Acting Regional Administrator

EPA Region 5 – Chicago

Cell: 312-515-9827

Direct: 312-886-1499

Main: 312- 886-3000

**From:** Harris, Michael  
**Sent:** Friday, August 11, 2017 8:51 AM  
**To:** Kaplan, Robert <[kaplan.robert@epa.gov](mailto:kaplan.robert@epa.gov)>  
**Cc:** Greenwater, Anthony <[greenwater.anthony@epa.gov](mailto:greenwater.anthony@epa.gov)>; Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>; Lowery, Brigid <[Lowery.Brigid@epa.gov](mailto:Lowery.Brigid@epa.gov)>; Nelson, Leverett <[nelson.leverett@epa.gov](mailto:nelson.leverett@epa.gov)>  
**Subject:** RE: LDF Tower Standards Counsels' Conversation

Good Morning Bob,

Per your request, we have been working on the following documents for your meeting with President Wildcat:

- 1) AS/SVE Citizens guide
- 2) Map of Tower
- 3) PECFA Time line, which includes EPA work to date
- 4) LDF Tower Standard Notes for EPA Only (Excavation details and PECFA notes for Bob)
- 5) Diagram of excavation in high water table

You should have them by this early afternoon. Please let me know if you have any questions.  
Thank you.

Michael D. Harris

Deputy Director

Land and Chemicals Division

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77 West Jackson Blvd.  
Chicago, IL 60604  
(312) 886-0760

**From:** Nelson, Leverett  
**Sent:** Friday, August 11, 2017 8:26 AM  
**To:** Kaplan, Robert <[kaplan.robert@epa.gov](mailto:kaplan.robert@epa.gov)>  
**Cc:** Greenwater, Anthony <[greenwater.anthony@epa.gov](mailto:greenwater.anthony@epa.gov)>; Harris, Michael <[harris.michael@epa.gov](mailto:harris.michael@epa.gov)>; Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>; Lowery, Brigid <[Lowery.Brigid@epa.gov](mailto:Lowery.Brigid@epa.gov)>  
**Subject:** LDF Tower Standards Counsels' Conversation

attorney work product

attorney-client privileged communication

Bob – I wanted to alert you to a letter Barbara received yesterday from Richard Du Bey, outside counsel to the Lac du Flambeau Band. Today, as a professional courtesy, Barbara called Richard to acknowledge receipt of the letter and to let him know that further communications between the lawyers could hopefully resume after the principals' meeting on August 15.

During the call, Richard let Barbara know that he was in receipt of a draft agenda for the 8/15 meeting and that the Tribe intended to include a joint presentation by EPA and the Tribe's respective legal counsel on jurisdictional concepts as to respective federal and tribal jurisdiction with respect to RCRA activities on the reservation. Barbara conveyed that she did not think this would be an appropriate conversation to include in the principals' meeting, about which our understanding is to provide an opportunity for the tribal president and you to have a full and frank discussion of concerns; attempt to resolve the communication impasse; and attempt to reach a consensus on moving forward toward a path of greater understanding on technical issues.

Barbara believes that Richard agrees that a legal discussion should be tabled. That said, we do not yet know what topics the tribe may intend to include in their agenda for the meeting. During her conversation, Barbara let Richard know that you would be traveling to the reservation with Anthony as Richard was under the impression that you were coming alone. Barbara also let

Richard know that you were prepared to meet with the president and anyone he wished to include; that is, that you did not wish to preclude the president from having others he wished to have present join him.

We can provide more details if you wish. Thanks.

-Rett

**From:** Melody Simmons [<mailto:msimmons@scblaw.com>]  
**Sent:** Tuesday, August 08, 2017 6:47 PM  
**To:** Stillman, Sarah <[Stillman.Sarah@epa.gov](mailto:Stillman.Sarah@epa.gov)>; Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Cc:** 'jwildcatsr@ldftribe.com' <[jwildcatsr@ldftribe.com](mailto:jwildcatsr@ldftribe.com)>; [KHanson@ldftribe.com](mailto:KHanson@ldftribe.com); [Dee.allen@ldftribe.com](mailto:Dee.allen@ldftribe.com); [lwawronowicz@ldftribe.com](mailto:lwawronowicz@ldftribe.com); [rdubey@scblaw.com](mailto:rdubey@scblaw.com); Joshua B. Lane <[JLane@scblaw.com](mailto:JLane@scblaw.com)>  
**Subject:** Lac du Flambeau Reservation LUST Sites; Status of Excavation Feasibility Study Task Order 3012

Dear Ms. Stillman and Ms. Wester:

Attached is a copy of Richard Du Bey's August 8, 2017 correspondence (w/ exhibits) regarding the above matter.

Please contact Richard directly with any questions.

Thank you,

Melody Simmons, Legal Assistant/Paralegal to Richard A. Du Bey,

Jennifer Sanscrainte, Joshua B. Lane and Andrew S. Fuller | 206.340.4610 (direct)

Short Cressman & Burgess PLLC | 206.682.3333 (main) | 206.340.8856 (fax)

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SHORT CRESSMAN

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